

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6025

WHEELER WILLIAMS, a/k/a Wheeler Robinson,

Plaintiff - Appellant,

versus

WILLIAM JEDNORSKI, Warden; OFFICER HARRIS;
OFFICER ARMSTRONG; OFFICER WILLIAMS,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (CA-95-383-AMD)

Submitted: March 21, 1996

Decided: April 16, 1996

Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Wheeler Williams, Appellant Pro Se. John Joseph Curran, Jr., Attorney General, Richard Bruce Rosenblatt, Assistant Attorney General, Stuart Milton Nathan, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant, Wheeler Robinson, appeals from the district court's order denying relief on his 42 U.S.C. § 1983 (1988) civil complaint. We have reviewed the record and the district court's opinion, and find no reversible error. Robinson claims that the Defendants conspired to intimidate him and failed to protect him from an assault by an unknown masked man. On these claims, we affirm on the reasoning of the district court. Williams v. Jednorski, No. CA-95-383-AMD (D. Md. Dec. 18, 1995). Additionally, Robinson claims he was unconstitutionally exposed to asbestos and overcrowded prison conditions.

These claims were dismissed without prejudice to his right to refile the claims in a separate action because of his failure to assert these claims in his original complaint. This court may exercise jurisdiction only over final orders, and certain interlocutory and collateral orders.¹ Because Robinson may be able to amend these claims, the dismissal Robinson seeks to appeal is not an appealable final order.² We dismiss the appeal as to these claims.

Additionally, we deny Robinson's motion to appoint counsel. We dispense with oral argument because the facts and legal contentions

¹ 28 U.S.C. § 1292 (1988); FED. R. CIV. P. 54(b).

² See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064 (4th Cir. 1993).

are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART, DISMISSED IN PART